

NATIONAL SEA GRANT COLLEGE PROGRAM ACT  
AMENDMENTS OF 2002

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MARCH 7, 2002.—Ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3389]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Sea Grant College Program Act Amendments of 2002”.

**SEC. 2. AMENDMENTS TO FINDINGS AND OBJECTIVE.**

(a) **FINDINGS.**—Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting “, including strong collaborations between Administration scientists and scientists at academic institutions.”.

(b) **OBJECTIVE.**—Section 202(b) of the National Sea Grant College Program Act (33 U.S.C. 1121(b)) is amended by striking “and” before “multidisciplinary”, and by striking the period at the end and inserting “, and the conservation and management of coastal and ocean resources.”.

**SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) **PROGRAM ELEMENTS.**—Section 204(b)(4) of the National Sea Grant College Program Act (33 U.S.C. 1123(b)(4)) is amended to read as follows:

“(4) the coastal ocean research program, a national competitive research program to support activities designed to improve our understanding of and ability to manage coastal and Great Lakes resources and to promote partnerships between the national sea grant college program and other programs within the Administration.”.

(b) **FUNCTIONS OF DIRECTOR.**—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking “and” after the semicolon at the end of clause (ii) and by adding at the end the following:

“(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and”.

#### SEC. 4. COST SHARE OF COASTAL OCEAN RESEARCH GRANTS.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking “section 204(d)(6)” and inserting “section 204(c)(4)(F) and in the case of grants under subsection (a) of this section to assist coastal and ocean research”.

#### SEC. 5. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: “The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.”.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title—

“(A) \$75,000,000 for fiscal year 2004;

“(B) \$77,500,000 for fiscal year 2005;

“(C) \$80,000,000 for fiscal year 2006;

“(D) \$82,500,000 for fiscal year 2007; and

“(E) \$85,000,000 for fiscal year 2008.

“(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2004 through 2008—

“(A) \$5,000,000 for competitive grants for university research on the zebra mussel biology and control;

“(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks; and

“(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*.

“(3) COASTAL OCEAN RESEARCH PROGRAM.—There is authorized to be appropriated to the Secretary to carry out the coastal ocean research program under section 204(b)(4)—

“(A) \$22,000,000 for fiscal year 2004;

“(B) \$24,000,000 for fiscal year 2005;

“(C) \$26,000,000 for fiscal year 2006;

“(D) \$28,000,000 for fiscal year 2007; and

“(E) \$30,000,000 for fiscal year 2008.

“(b) LIMITATIONS.—

“(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

“(A) the amount authorized to be appropriated under this title for the fiscal year; or

“(B) the amount appropriated under this title for the fiscal year.

“(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.”.

(b) REPEAL.—Such section is further amended by repealing subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

#### SEC. 7. ASSISTANCE FOR PACIFIC ISLANDS REGIONAL CONSORTIUM.

(a) IN GENERAL.—The Secretary of Commerce shall make grants to an eligible Pacific Islands regional consortium for activities necessary for the consortium to qualify for designation as a sea grant college under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126).

(b) ELIGIBLE CONSORTIUM.—For purposes of subsection (a) the term “eligible Pacific Islands regional consortium” means an association or alliance of institutions that includes as members the College of the Marshall Islands, the College of Micro-

nesia-Federated States of Micronesia, Northern Marianas College, Palau Community College, and the University of Guam.

(c) DISTRIBUTION AND USE OF GRANT FUNDS.—Amounts provided as a grant under this section to an eligible Pacific Islands regional consortium shall be distributed among the members of the consortium for use to develop program elements required for the consortium to meet the qualifications for designation as a sea grant college.

(d) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Secretary of Commerce shall provide administrative and technical assistance to a grantee under this section to assist the grantee in becoming designated as a sea grant college.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the other amounts authorized by this Act, to carry out this section there is authorized to be appropriated to the Secretary of Commerce \$2,700,000, of which—

(A) \$2,500,000 shall be available for grants under subsection (a); and

(B) \$200,000 shall be for administrative expenses of the Secretary, including site visits, program reviews, and the provision of administrative and technical assistance.

(2) CONTINUING AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

#### PURPOSE OF THE BILL

The purpose of H.R. 3389 is to reauthorize the National Sea Grant College Program Act, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The National Sea Grant College program was established by the National Sea Grant College Program Act (33 U.S.C. 1121–1131) in 1966 to improve marine resource conservation, management, and utilization. The program is patterned after the Land Grant College program. Originally assigned to the National Science Foundation, Sea Grant has been located within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce since 1970 when NOAA was created. The Act authorizes the Sea Grant College network, the National Sea Grant Office and the National Sea Grant Review Panel. Currently, there are 30 Sea Grant College programs that represent a network of researchers, educators and marine advisory agents at over 300 academic institutions.

To be designated a Sea Grant College, the applicant must demonstrate a record of superior performance in marine resource programs for a minimum of three years. Designated programs receive federal funding for two thirds the cost of an eligible activity. The Sea Grant core program provides assistance to Sea Grant Colleges for research, education, and advisory services in fields related to ocean, coastal and Great Lakes resources.

Research funding is devoted to the development of marine and freshwater resources and related technology and studies relevant to the understanding, assessment, development, utilization or conservation of ocean, coastal, and Great Lakes resources. Most research programs are proposed by the Sea Grant Colleges. However, national research initiatives are also funded. The Act authorizes specific research on zebra mussels, oyster diseases and the human health effects of oyster-borne diseases that effect humans, and harmful algal blooms. Funding for harmful algal bloom research has been authorized, but no funds have ever been appropriated for this program.

Education programs include the development and strengthening of training programs for marine scientists and technicians as well

as education in aquatic sciences for secondary school students and teachers. Sea Grant Colleges also provide year long fellowships to graduate students in marine related disciplines. The fellows work with Congressional offices, federal agencies or industry sponsors.

Sea Grant extension agents provide informal education for the general public, technical advice and instruction in marine related topics, dissemination of research findings to user groups, and identification and communication of local needs and problems to Sea Grant and other marine resource-related program managers and researchers.

The Act also authorizes the Sea Grant Review Panel to advise the Secretary of Commerce on matters relating to Sea Grant. The 15 members have marine science backgrounds or knowledge and experience in related fields.

Current authorization for appropriations run through September 30, 2003. In Fiscal Year (FY) 2002, \$62.4 million was appropriated, including \$6 million for the zebra mussel and oyster-related national initiatives. Overall, this was only a modest increase from the FY 2001 appropriated level of \$62.1 million. The Administration request for the transfer of the Sea Grant program's budget authority to the National Science Foundation offered in the FY 2003 budget is strongly opposed by the Committee on Resources. The Committee is recommending funding within NOAA for Sea Grant at \$75 million for FY 2004 with increases to \$85 million by FY 2008.

#### COMMITTEE ACTION

H.R. 3389 was introduced on November 30, 2001, by Congressman Wayne T. Gilchrest (R-MD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On October 18, 2001, the Subcommittee held a hearing on the National Sea Grant College program. On December 6, 2001, the Subcommittee met to mark up the bill. Congressman Robert Underwood (D-GU) offered an amendment that authorized the Secretary of Commerce to make grants to an eligible Pacific Islands regional consortium for activities necessary for the consortium to qualify for designation as an independent Sea Grant College as required under section 207 of the National Sea Grant College Program Act. To date, consortium members have received \$200,000 from NOAA to develop an application for a Pacific Islands regional Sea Grant College program. This amendment directed NOAA through its existing authority under Section 205 of the Sea Grant College Program Act to continue to provide sufficient levels of financial and technical assistance to enable consortium members to develop the requisite program elements necessary for approval as a Sea Grant College. The amendment did not prescribe how funds were to be distributed or spent by consortium members. Neither did the amendment affect any existing agreement or relationship that any consortium member might have with any other approved Sea Grant College or Sea Grant Institute. The amendment was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On February 27, 2001, the Full Resources Committee met to consider the bill. Congressman Eni Faleomavaega (D-AS) offered and subsequently withdrew an amendment to provide funds to the University of the Virgin Islands

and the American Samoa Community College for specified purposes. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This bill may be cited as the “National Sea Grant College Program Act Amendments of 2002”.

##### *Section 2. Amendments to findings and objective*

This section amends the National Sea Grant College Program Act to include an emphasis on ocean and coastal resources conservation and management and encourage collaboration between academia and the scientists and programs of the National Oceanic and Atmospheric Administration.

##### *Section 3. Requirements applicable to National Sea Grant College Program*

This section amends Section 204(b)(4) of the National Sea Grant College Program Act replacing the program element authorizing National Strategic Initiatives with an authorization for coastal ocean research. Though some funds have been set aside for national research competitions, the no specific funds have ever been provided for the National Strategic Initiatives. The coastal ocean research program is currently located in the National Ocean Service at NOAA. It serves a virtually identical purpose to Sea Grant, and administrative savings can be achieved if the programs are operated jointly. The section also creates a new function for the Director of Sea Grant. The Director shall encourage and promote cooperation between the research, education and outreach programs of NOAA and universities.

##### *Section 4. Cost of coastal ocean research grants*

This section makes clear that the coastal ocean research grants authorized under the amended Section 204(b)(4) are not subject to cost sharing.

##### *Section 5. Terms of membership for Sea Grant Review Panel*

This section changes the length of the terms of office for members of the Sea Grant Review Panel appointed or reappointed after the date of enactment of this act from three years to four years. It also allows the Director to extend the terms of members appointed before the enactment of H.R. 3389 by up to 12 months.

##### *Section 6. Authorization of appropriations*

For the base Sea Grant program, this section authorizes \$75 million for FY 2004; \$77.5 million for FY 2005; \$80 million for FY 2006; \$82.5 million for FY 2007; and, \$85 million for FY 2008. The bill also authorizes \$5 million for each of FYs 2004–2008 for research on zebra mussels, oyster diseases and the human health effects of oyster-borne diseases that affect humans, and harmful algal blooms. For coastal ocean research grants, the bill authorizes \$22 million for FY 2004; \$24 million for FY 2005; \$26 million for FY 2006; \$28 million for FY 2007; and \$30 million for FY 2008.

*Section 7. Assistance for Pacific Islands regional consortium*

This section directs the Secretary of Commerce to make grants to a Pacific Islands consortium in preparation for the creation of a Pacific Islands Sea Grant College. Grants will be distributed to the members of the consortium to develop program elements required to qualify for the designation as a Sea Grant College. This amendment authorizes \$2.7 million for these activities.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the National Sea Grant College Program Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 5, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3389, the National Sea Grant College Program Act Amendments of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

STEVEN LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 3389—National Sea Grant College Program Act Amendments of 2001*

Summary: H.R. 3389 would authorize, through fiscal year 2008, funding for the national sea grant college program and for coastal ocean research. Assuming appropriations of the authorized amounts, CBO estimates that the federal government would spend an additional \$370 million over the 2003–2007 period to carry out these activities under the legislation. (An additional \$239 million would be spent after 2007.) The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3389 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the sea grant program, which provides grants to develop programs to improve the conservation, management, and utilization of marine resources. Any costs incurred by public universities to participate in this program would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3389 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Spending Under Current Law:						
Authorization Level <sup>1</sup> .....	84	69	0	0	0	0
Estimated Outlays .....	81	77	51	23	0	0
Proposed Changes:						
Authorization Level .....	0	3	112	117	121	126
Estimated Outlays .....	0	3	35	91	117	121
Spending Under H.R. 3389:						
Authorization Level .....	84	72	112	117	121	126
Estimated Outlays .....	81	80	86	114	117	121

<sup>1</sup> The 2002 level is the amount appropriated for that year. The 2003 level is the amount authorized for appropriation for sea grants; there is no specific authorization level for coastal ocean research in any year.

Basis of estimate: The bill would authorize appropriations of \$479 million over the 2003–2007 period, plus \$130 million for fiscal year 2008, to carry out the National Oceanic and Atmospheric Administration's contract, grant, fellowship, and administrative functions under the sea grant and coastal research programs. The authorization levels in the table are as stated in the bill, and include, in fiscal year 2003, the \$2.7 million authorized by section 7 for administrative and financial assistance to colleges in the Pacific Islands to enable them to become qualified for a sea grant.

For the purposes of this estimate, CBO assumes that all amounts authorized in H.R. 3389 would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns for both programs.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 3389 contains no mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the sea grant program, which provides grants to develop programs to improve marine resource conservation, management, and utilization. Any costs incurred by public universities to participate in this program would be voluntary.

Estimated impact on the private sector: H.R. 3389 would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Cost: Deborah Reis; Impact on State, Local, and Tribal Governments: Elyse Goldman; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

### NATIONAL SEA GRANT COLLEGE PROGRAM ACT

\* \* \* \* \*

#### TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

##### SEC. 202. DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) \* \* \*

\* \* \* \* \*

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions[.], *including strong collaborations be-*



*tween Administration scientists and scientists at academic institutions.*

(b) OBJECTIVE.—The objective of this title is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, **[and]** multidisciplinary approaches to environmental problems**[.]**, *and the conservation and management of coastal and ocean resources.*

\* \* \* \* \*

#### SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) \* \* \*

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

(1) \* \* \*

\* \* \* \* \*

**[(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.]**

*(4) the coastal ocean research program, a national competitive research program to support activities designed to improve our understanding of and ability to manage coastal and Great Lakes resources and to promote partnerships between the national sea grant college program and other programs within the Administration.*

\* \* \* \* \*

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) \* \* \*

\* \* \* \* \*

(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

(A) \* \* \*

(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

(i) \* \* \*

(ii) encourage successful implementation of sea grant programs; **[and]**

\* \* \* \* \*

*(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and*

\* \* \* \* \*

**SEC. 205. CONTRACTS AND GRANTS.**

(a) IN GENERAL.—The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

- (1) implement the objective set forth in section 202(b); and
- (2) be responsive to the needs or problems of individual States or regions.

The total amount paid pursuant to any such grant or contract may equal 66⅔ percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under [section 204(d)(6)] *section 204(c)(4)(F) and in the case of grants under subsection (a) of this section to assist coastal and ocean research.*

\* \* \* \* \*

**SEC. 209. SEA GRANT REVIEW PANEL.**

(a) \* \* \*

\* \* \* \* \*

(c) MEMBERSHIP, TERMS, AND POWERS.—(1) \* \* \*

(2) [The term of office of a voting member of the panel shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.] *The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2001, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2001. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2001 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.*

\* \* \* \* \*

**SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

[(a) AUTHORIZATION.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

[(A) \$56,000,000 for fiscal year 1999;

[(B) \$57,000,000 for fiscal year 2000;

[(C) \$58,000,000 for fiscal year 2001;

[(D) \$59,000,000 for fiscal year 2002; and

[(E) \$60,000,000 for fiscal year 2003.

[(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

[(A) up to \$2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

[(B) up to \$3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

[(C) up to \$3,000,000 may be made available for competitive grants for university research on *Pfiesteria piscicida* and other harmful algal blooms.

[(b) PROGRAM ELEMENTS.—

[(1) LIMITATION.—No more than 5 percent of the lesser of—

[(A) the amount authorized to be appropriated; or

[(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

[(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

[(c) In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act, an amount—

[(1) for fiscal year 1992, not to exceed \$1,400,000;

[(2) for fiscal year 1993, not to exceed \$3,000,000;

[(3) for fiscal year 1994, not to exceed \$3,000,000; and

[(4) for fiscal year 1995, not to exceed \$3,000,000.]

(a) AUTHORIZATION.—

(1) *IN GENERAL.*—*There is authorized to be appropriated to the Secretary to carry out this title—*

(A) \$75,000,000 for fiscal year 2004;

(B) \$77,500,000 for fiscal year 2005;

(C) \$80,000,000 for fiscal year 2006;

(D) \$82,500,000 for fiscal year 2007; and

(E) \$85,000,000 for fiscal year 2008.

(2) *ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.*—*In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2004 through 2008—*

(A) \$5,000,000 for competitive grants for university research on the zebra mussel biology and control;

(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks; and

(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*.

(3) *COASTAL OCEAN RESEARCH PROGRAM.*—*There is authorized to be appropriated to the Secretary to carry out the coastal ocean research program under section 204(b)(4)—*

(A) \$22,000,000 for fiscal year 2004;

(B) \$24,000,000 for fiscal year 2005;

(C) \$26,000,000 for fiscal year 2006;

(D) \$28,000,000 for fiscal year 2007; and

(E) \$30,000,000 for fiscal year 2008.

(b) LIMITATIONS.—

(1) *ADMINISTRATION.*—*There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—*

(A) *the amount authorized to be appropriated under this title for the fiscal year; or*

(B) *the amount appropriated under this title for the fiscal year.*

(2) *USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.*

[(d)] (c) *AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.*

[(e)] (d) *REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.*



“(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and”.

#### SEC. 4. COST SHARE OF COASTAL OCEAN RESEARCH GRANTS.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking “section 204(d)(6)” and inserting “section 204(c)(4)(F) and in the case of grants under subsection (a) of this section to assist coastal and ocean research”.

#### SEC. 5. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: “The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.”.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subsections (a) and (b) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title—

“(A) \$75,000,000 for fiscal year 2004;

“(B) \$77,500,000 for fiscal year 2005;

“(C) \$80,000,000 for fiscal year 2006;

“(D) \$82,500,000 for fiscal year 2007; and

“(E) \$85,000,000 for fiscal year 2008.

“(2) ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.—In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2004 through 2008—

“(A) \$5,000,000 for competitive grants for university research on the zebra mussel biology and control;

“(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks; and

“(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*.

“(3) COASTAL OCEAN RESEARCH PROGRAM.—There is authorized to be appropriated to the Secretary to carry out the coastal ocean research program under section 204(b)(4)—

“(A) \$22,000,000 for fiscal year 2004;

“(B) \$24,000,000 for fiscal year 2005;

“(C) \$26,000,000 for fiscal year 2006;

“(D) \$28,000,000 for fiscal year 2007; and

“(E) \$30,000,000 for fiscal year 2008.

“(b) LIMITATIONS.—

“(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

“(A) the amount authorized to be appropriated under this title for the fiscal year; or

“(B) the amount appropriated under this title for the fiscal year.

“(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.”.

(b) REPEAL.—Such section is further amended by repealing subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

#### SEC. 7. ASSISTANCE FOR PACIFIC ISLANDS REGIONAL CONSORTIUM.

(a) IN GENERAL.—The Secretary of Commerce shall make grants to an eligible Pacific Islands regional consortium for activities necessary for the consortium to qualify for designation as a sea grant college under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126).

(b) ELIGIBLE CONSORTIUM.—For purposes of subsection (a) the term “eligible Pacific Islands regional consortium” means an association or alliance of institutions that includes as members the College of the Marshall Islands, the College of Micro-

nesia-Federated States of Micronesia, Northern Marianas College, Palau Community College, and the University of Guam.

(c) DISTRIBUTION AND USE OF GRANT FUNDS.—Amounts provided as a grant under this section to an eligible Pacific Islands regional consortium shall be distributed among the members of the consortium for use to develop program elements required for the consortium to meet the qualifications for designation as a sea grant college.

(d) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Secretary of Commerce shall provide administrative and technical assistance to a grantee under this section to assist the grantee in becoming designated as a sea grant college.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the other amounts authorized by this Act, to carry out this section there is authorized to be appropriated to the Secretary of Commerce \$2,700,000, of which—

(A) \$2,500,000 shall be available for grants under subsection (a); and

(B) \$200,000 shall be for administrative expenses of the Secretary, including site visits, program reviews, and the provision of administrative and technical assistance.

(2) CONTINUING AVAILABILITY.—Amounts appropriated under this section may remain available until expended.

#### PURPOSE OF THE BILL

The purpose of H.R. 3389 is to reauthorize the National Sea Grant College Program Act, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The National Sea Grant College program was established by the National Sea Grant College Program Act (33 U.S.C. 1121–1131) in 1966 to improve marine resource conservation, management, and utilization. The program is patterned after the Land Grant College program. Originally assigned to the National Science Foundation, Sea Grant has been located within the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce since 1970 when NOAA was created. The Act authorizes the Sea Grant College network, the National Sea Grant Office and the National Sea Grant Review Panel. Currently, there are 30 Sea Grant College programs that represent a network of researchers, educators and marine advisory agents at over 300 academic institutions.

To be designated a Sea Grant College, the applicant must demonstrate a record of superior performance in marine resource programs for a minimum of three years. Designated programs receive federal funding for two thirds the cost of an eligible activity. The Sea Grant core program provides assistance to Sea Grant Colleges for research, education, and advisory services in fields related to ocean, coastal and Great Lakes resources.

Research funding is devoted to the development of marine and freshwater resources and related technology and studies relevant to the understanding, assessment, development, utilization or conservation of ocean, coastal, and Great Lakes resources. Most research programs are proposed by the Sea Grant Colleges. However, national research initiatives are also funded. The Act authorizes specific research on zebra mussels, oyster diseases and the human health effects of oyster-borne diseases that effect humans, and harmful algal blooms. Funding for harmful algal bloom research has been authorized, but no funds have ever been appropriated for this program.

Education programs include the development and strengthening of training programs for marine scientists and technicians as well

as education in aquatic sciences for secondary school students and teachers. Sea Grant Colleges also provide year long fellowships to graduate students in marine related disciplines. The fellows work with Congressional offices, federal agencies or industry sponsors.

Sea Grant extension agents provide informal education for the general public, technical advice and instruction in marine related topics, dissemination of research findings to user groups, and identification and communication of local needs and problems to Sea Grant and other marine resource-related program managers and researchers.

The Act also authorizes the Sea Grant Review Panel to advise the Secretary of Commerce on matters relating to Sea Grant. The 15 members have marine science backgrounds or knowledge and experience in related fields.

Current authorization for appropriations run through September 30, 2003. In Fiscal Year (FY) 2002, \$62.4 million was appropriated, including \$6 million for the zebra mussel and oyster-related national initiatives. Overall, this was only a modest increase from the FY 2001 appropriated level of \$62.1 million. The Administration request for the transfer of the Sea Grant program's budget authority to the National Science Foundation offered in the FY 2003 budget is strongly opposed by the Committee on Resources. The Committee is recommending funding within NOAA for Sea Grant at \$75 million for FY 2004 with increases to \$85 million by FY 2008.

#### COMMITTEE ACTION

H.R. 3389 was introduced on November 30, 2001, by Congressman Wayne T. Gilchrest (R-MD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On October 18, 2001, the Subcommittee held a hearing on the National Sea Grant College program. On December 6, 2001, the Subcommittee met to mark up the bill. Congressman Robert Underwood (D-GU) offered an amendment that authorized the Secretary of Commerce to make grants to an eligible Pacific Islands regional consortium for activities necessary for the consortium to qualify for designation as an independent Sea Grant College as required under section 207 of the National Sea Grant College Program Act. To date, consortium members have received \$200,000 from NOAA to develop an application for a Pacific Islands regional Sea Grant College program. This amendment directed NOAA through its existing authority under Section 205 of the Sea Grant College Program Act to continue to provide sufficient levels of financial and technical assistance to enable consortium members to develop the requisite program elements necessary for approval as a Sea Grant College. The amendment did not prescribe how funds were to be distributed or spent by consortium members. Neither did the amendment affect any existing agreement or relationship that any consortium member might have with any other approved Sea Grant College or Sea Grant Institute. The amendment was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On February 27, 2001, the Full Resources Committee met to consider the bill. Congressman Eni Faleomavaega (D-AS) offered and subsequently withdrew an amendment to provide funds to the University of the Virgin Islands

and the American Samoa Community College for specified purposes. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This bill may be cited as the “National Sea Grant College Program Act Amendments of 2002”.

##### *Section 2. Amendments to findings and objective*

This section amends the National Sea Grant College Program Act to include an emphasis on ocean and coastal resources conservation and management and encourage collaboration between academia and the scientists and programs of the National Oceanic and Atmospheric Administration.

##### *Section 3. Requirements applicable to National Sea Grant College Program*

This section amends Section 204(b)(4) of the National Sea Grant College Program Act replacing the program element authorizing National Strategic Initiatives with an authorization for coastal ocean research. Though some funds have been set aside for national research competitions, the no specific funds have ever been provided for the National Strategic Initiatives. The coastal ocean research program is currently located in the National Ocean Service at NOAA. It serves a virtually identical purpose to Sea Grant, and administrative savings can be achieved if the programs are operated jointly. The section also creates a new function for the Director of Sea Grant. The Director shall encourage and promote cooperation between the research, education and outreach programs of NOAA and universities.

##### *Section 4. Cost of coastal ocean research grants*

This section makes clear that the coastal ocean research grants authorized under the amended Section 204(b)(4) are not subject to cost sharing.

##### *Section 5. Terms of membership for Sea Grant Review Panel*

This section changes the length of the terms of office for members of the Sea Grant Review Panel appointed or reappointed after the date of enactment of this act from three years to four years. It also allows the Director to extend the terms of members appointed before the enactment of H.R. 3389 by up to 12 months.

##### *Section 6. Authorization of appropriations*

For the base Sea Grant program, this section authorizes \$75 million for FY 2004; \$77.5 million for FY 2005; \$80 million for FY 2006; \$82.5 million for FY 2007; and, \$85 million for FY 2008. The bill also authorizes \$5 million for each of FYs 2004–2008 for research on zebra mussels, oyster diseases and the human health effects of oyster-borne diseases that effect humans, and harmful algal blooms. For coastal ocean research grants, the bill authorizes \$22 million for FY 2004; \$24 million for FY 2005; \$26 million for FY 2006; \$28 million for FY 2007; and \$30 million for FY 2008.



*Section 7. Assistance for Pacific Islands regional consortium*

This section directs the Secretary of Commerce to make grants to a Pacific Islands consortium in preparation for the creation of a Pacific Islands Sea Grant College. Grants will be distributed to the members of the consortium to develop program elements required to qualify for the designation as a Sea Grant College. This amendment authorizes \$2.7 million for these activities.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the National Sea Grant College Program Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 5, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3389, the National Sea Grant College Program Act Amendments of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

STEVEN LIEBERMAN  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 3389—National Sea Grant College Program Act Amendments of 2001*

Summary: H.R. 3389 would authorize, through fiscal year 2008, funding for the national sea grant college program and for coastal ocean research. Assuming appropriations of the authorized amounts, CBO estimates that the federal government would spend an additional \$370 million over the 2003–2007 period to carry out these activities under the legislation. (An additional \$239 million would be spent after 2007.) The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3389 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the sea grant program, which provides grants to develop programs to improve the conservation, management, and utilization of marine resources. Any costs incurred by public universities to participate in this program would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3389 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Spending Under Current Law:						
Authorization Level <sup>1</sup> .....	84	69	0	0	0	0
Estimated Outlays .....	81	77	51	23	0	0
Proposed Changes:						
Authorization Level .....	0	3	112	117	121	126
Estimated Outlays .....	0	3	35	91	117	121
Spending Under H.R. 3389:						
Authorization Level .....	84	72	112	117	121	126
Estimated Outlays .....	81	80	86	114	117	121

<sup>1</sup> The 2002 level is the amount appropriated for that year. The 2003 level is the amount authorized for appropriation for sea grants; there is no specific authorization level for coastal ocean research in any year.

Basis of estimate: The bill would authorize appropriations of \$479 million over the 2003–2007 period, plus \$130 million for fiscal year 2008, to carry out the National Oceanic and Atmospheric Administration's contract, grant, fellowship, and administrative functions under the sea grant and coastal research programs. The authorization levels in the table are as stated in the bill, and include, in fiscal year 2003, the \$2.7 million authorized by section 7 for administrative and financial assistance to colleges in the Pacific Islands to enable them to become qualified for a sea grant.

For the purposes of this estimate, CBO assumes that all amounts authorized in H.R. 3389 would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns for both programs.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 3389 contains no mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit public universities by reauthorizing the sea grant program, which provides grants to develop programs to improve marine resource conservation, management, and utilization. Any costs incurred by public universities to participate in this program would be voluntary.

Estimated impact on the private sector: H.R. 3389 would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Cost: Deborah Reis; Impact on State, Local, and Tribal Governments: Elyse Goldman; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

### NATIONAL SEA GRANT COLLEGE PROGRAM ACT

\* \* \* \* \*

#### TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

##### SEC. 202. DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) \* \* \*

\* \* \* \* \*

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and involvement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions[.], *including strong collaborations be-*

*tween Administration scientists and scientists at academic institutions.*

(b) OBJECTIVE.—The objective of this title is to increase the understanding, assessment, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, **[and]** multidisciplinary approaches to environmental problems**[.]**, *and the conservation and management of coastal and ocean resources.*

\* \* \* \* \*

#### SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) \* \* \*

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

(1) \* \* \*

\* \* \* \* \*

**[(4) any national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed with the approval of the panel, the sea grant colleges, and the sea grant institutes.]**

*(4) the coastal ocean research program, a national competitive research program to support activities designed to improve our understanding of and ability to manage coastal and Great Lakes resources and to promote partnerships between the national sea grant college program and other programs within the Administration.*

\* \* \* \* \*

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) \* \* \*

\* \* \* \* \*

(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

(A) \* \* \*

(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

(i) \* \* \*

(ii) encourage successful implementation of sea grant programs; **[and]**

\* \* \* \* \*

*(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and*

\* \* \* \* \*

**SEC. 205. CONTRACTS AND GRANTS.**

(a) IN GENERAL.—The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

- (1) implement the objective set forth in section 202(b); and
- (2) be responsive to the needs or problems of individual States or regions.

The total amount paid pursuant to any such grant or contract may equal 66⅔ percent, or any lesser percent, of the total cost of the sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under [section 204(d)(6)] *section 204(c)(4)(F) and in the case of grants under subsection (a) of this section to assist coastal and ocean research.*

\* \* \* \* \*

**SEC. 209. SEA GRANT REVIEW PANEL.**

(a) \* \* \*

\* \* \* \* \*

(c) MEMBERSHIP, TERMS, AND POWERS.—(1) \* \* \*

(2) [The term of office of a voting member of the panel shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.] *The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2001, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2001. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2001 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel.*

\* \* \* \* \*

**SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

[(a) AUTHORIZATION.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

- [(A) \$56,000,000 for fiscal year 1999;
- [(B) \$57,000,000 for fiscal year 2000;
- [(C) \$58,000,000 for fiscal year 2001;
- [(D) \$59,000,000 for fiscal year 2002; and
- [(E) \$60,000,000 for fiscal year 2003.

[(2) ZEBRA MUSSEL AND OYSTER RESEARCH.—In addition to the amount authorized for each fiscal year under paragraph (1)—

[(A) up to \$2,800,000 may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel;

[(B) up to \$3,000,000 may be made available for competitive grants for university research on oyster diseases and oyster-related human health risks; and

[(C) up to \$3,000,000 may be made available for competitive grants for university research on *Pfiesteria piscicida* and other harmful algal blooms.

[(b) PROGRAM ELEMENTS.—

[(1) LIMITATION.—No more than 5 percent of the lesser of—

[(A) the amount authorized to be appropriated; or

[(B) the amount appropriated,

for each fiscal year under subsection (a) may be used to fund the program element contained in section 204(b)(2).

[(2) Sums appropriated under the authority of subsections (a) and (c) shall not be available for administration of this Act by the National Sea Grant Office, or for Administration program or administrative expenses.

[(c) In addition to sums authorized under subsection (a), there is authorized to be appropriated for priority oyster disease research under section 205 of this Act, an amount—

[(1) for fiscal year 1992, not to exceed \$1,400,000;

[(2) for fiscal year 1993, not to exceed \$3,000,000;

[(3) for fiscal year 1994, not to exceed \$3,000,000; and

[(4) for fiscal year 1995, not to exceed \$3,000,000.]

(a) AUTHORIZATION.—

(1) *IN GENERAL.*—*There is authorized to be appropriated to the Secretary to carry out this title—*

(A) \$75,000,000 for fiscal year 2004;

(B) \$77,500,000 for fiscal year 2005;

(C) \$80,000,000 for fiscal year 2006;

(D) \$82,500,000 for fiscal year 2007; and

(E) \$85,000,000 for fiscal year 2008.

(2) *ZEBRA MUSSEL, OYSTER, AND HARMFUL ALGAL BLOOM RESEARCH.*—*In addition to the amount authorized under paragraph (1), there is authorized to be appropriated for each of fiscal years 2004 through 2008—*

(A) \$5,000,000 for competitive grants for university research on the zebra mussel biology and control;

(B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks; and

(C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including *Pfiesteria piscicida*.

(3) *COASTAL OCEAN RESEARCH PROGRAM.*—*There is authorized to be appropriated to the Secretary to carry out the coastal ocean research program under section 204(b)(4)—*

(A) \$22,000,000 for fiscal year 2004;

(B) \$24,000,000 for fiscal year 2005;

(C) \$26,000,000 for fiscal year 2006;

(D) \$28,000,000 for fiscal year 2007; and

(E) \$30,000,000 for fiscal year 2008.

(b) LIMITATIONS.—

(1) *ADMINISTRATION.*—*There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—*

(A) *the amount authorized to be appropriated under this title for the fiscal year; or*

(B) *the amount appropriated under this title for the fiscal year.*

(2) *USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.*

[(d)] (c) *AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.*

[(e)] (d) *REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.*

